

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CAPITAL GLASS COMPANY, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV561-WHB-AGN

EFCO CORPORATION

DEFENDANT

OPINION AND ORDER

This cause is before the Court on Plaintiff's Motion to Remand. Having considered the Motion, to which Defendant failed to respond, the Court finds that it is well taken and should be granted.

This case involves a breach of contract claim and other related claims. It was removed to this Court on September 14, 2005, on the basis of diversity of citizenship jurisdiction, 28 U.S.C. § 1332. The case was originally filed in the Circuit Court of the First Judicial District of Hinds County, Mississippi.

The subject Motion to Remand was filed with the Clerk of the Court on November 14, 2005. Through the Motion, Plaintiff contends that the amount in controversy requirement for diversity of citizenship is not met. Therefore, argues Plaintiff, the case must be remanded to state court.

Defendant failed to respond to the subject Motion, and the time limit for filing a Response has expired. Therefore, Pursuant to the authority granted this Court under Rule 7.2(C)(2) of the

Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi,¹ the Court finds that the Motion to Remand is well taken and should be granted.

Based on the holdings presented above:

IT IS THEREFORE ORDERED that Plaintiff's Motion to Remand (docket entry no. 4) is hereby granted. The Clerk of the Court is ordered to remand this case to the Circuit Court of the First Judicial District of Hinds County, Mississippi.

SO ORDERED this the 15th day of November, 2005.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

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¹Rule 7.2(C)(2) states "[i]f a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed."